

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652-1

vs.

HON. GEORGE CARAM STEEH

D-1 BILLY ARNOLD,

Defendants.

_____ /

ORDER DENYING DEFENDANT'S
AMENDED MOTION TO SUPPRESS [DOC. 637]

This matter is before the court on defendant Billy Arnold's motion to suppress evidence of cell site location records obtained without a warrant or probable cause. The Sixth Circuit has held that the type of evidence at issue is in the nature of a business record, and that there is not a legitimate expectation of privacy in such records for purposes of the Fourth Amendment. *United States v. Carpenter*, 819 F.3d 880 (6th Cir. 2016). The issue came before the United States Supreme Court on November 29, 2017 when the Court heard argument in *Carpenter v. United States*. Until a contrary decision is issued by the Supreme Court, the precedent in this circuit is that a warrant is not necessary to obtain historical cell phone

records such as those sought to be suppressed by Arnold. If the law changes, defendant can move for this court to reconsider. Now, therefore,

IT IS HEREBY ORDERED that defendant's amended motion to suppress is DENIED.

IT IS SO ORDERED.

Dated: December 21, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 21, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk